

Taiwanese restaurant operators in court

1 June 2021

On 23 April 2021, the FWO discontinued proceedings against Mr Dendy Harjanto.

20 August 2020

The Fair Work Ombudsman has commenced action in the Federal Court against operators of three popular Taiwanese restaurants for allegedly underpaying vulnerable workers and using false records.

Facing court is DTF World Square Pty Ltd, which employed workers at Din Tai Fung restaurants at the World Square shopping centre in the Sydney CBD, Chatswood and Emporium shopping centre in the Melbourne CBD. Also facing court is Selden Farlane Lachlan Investments Pty Ltd, which employed workers at the Emporium store.

Both companies are part of a broader group of companies that operates Din Tai Fung restaurants in Sydney and Melbourne.

The court action has also been started against a former director of both companies Mr Dendy Harjanto, General Manager Ms Hannah Handoko (also known as Vera Handoko), and HR Coordinator Ms Sinthiana Parmenas for their alleged involvement in some breaches.

The FWO alleges the two companies underpaid a combined 17 employees \$157,025. Underpaid employees included cooks, waiters, a dishwasher and restaurant managers. Most were visa holders from Indonesia and China, mainly on student or employer-sponsored visas. The four full-time employees were sponsored by DTF World Square Pty Ltd. Ten workers were under 26 at the start of their alleged underpayment period.

The two companies allegedly kept and provided to Fair Work Ombudsman inspectors both accurate and false records, with false records generally understating hours worked and including false rates of pay for casual employees.

It is alleged that contraventions relating to false records and the underpayment of casual loading and weekend and public holiday penalty rates to casual employees were serious contraventions under the Fair Work Act 2009.

Fair Work Ombudsman Sandra Parker said the Protecting Vulnerable Workers amendments to the Fair Work Act raised the penalties for employers who are found to have deliberately and systematically contravened the law.

“Employers are on notice that the Fair Work Ombudsman is making use of the Protecting Vulnerable Workers amendments to the Fair Work Act to hold to account those who commit serious contraventions,” Ms Parker said.

“The Fair Work Ombudsman prioritises matters involving migrant workers, who we know can be heavily reliant on their employer and have limited understanding of their workplace rights. We encourage workers with concerns to contact us, including anonymously.”

It is alleged the flat hourly rates paid to 13 casual workers and fortnightly salaries paid to four full-time staff did not meet various entitlements including minimum rates for ordinary hours, penalty rates for weekend, public holiday and evening hours, and overtime rates owed under the Restaurant Industry Award 2010. It is also alleged casual loading entitlements were underpaid.

It is alleged underpayments occurred between November 2017 and June 2018, with the exception of one full-time employee, the highest underpaid, whose underpayment was assessed for a longer period from July 2014 to May 2018. Individual underpayments allegedly ranged from \$2,165 to \$50,588. Most of the highest underpaid worker’s alleged underpayments related to unpaid overtime.

Ms Parker said that the Fair Work Ombudsman will continue to enforce workplace laws in a proportionate manner during the COVID-19 pandemic.

The two companies each face Court penalties of up to \$630,000 per serious contravention and \$63,000 per other contravention, and the accessories up to \$12,600 per contravention. The matter is listed for a directions hearing in the Federal Court in Sydney on 28 September 2020.

Employers and employees can call the Fair Work Infoline on 13 13 94 or our free interpreter service on 13 14 50. The FWO also has an [online anonymous report tool \(www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language\)](http://www.fairwork.gov.au/workplace-problems/fixing-a-workplace-problem/workplace-help-in-other-languages/report-a-workplace-issue-in-your-language), including options to report in languages other than English.

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Media inquiries:

Claire Low, Senior Media Adviser

Mobile: 0418 825 074

claire.low@fwo.gov.au (mailto:claire.low@fwo.gov.au)

Page reference No: 9586

Contact us

Fair Work Online: www.fairwork.gov.au

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